



FIBRE BOX ASSOCIATION

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Federal Trade Commission/
Office of the Secretary,
Room H-135 (Annex B),
600 Pennsylvania Avenue, NW.,
Washington, DC 20580.

**RE: Green Guides Regulatory Review
16 CFR Part 260- Comment
Project No. P 954501**

Dear Sir/Madame:

These comments are submitted by the Fibre Box Association (FBA), the manufacturer's trade association representing and serving the corrugated industry in the United States. Our industry manufactures and markets corrugated and paperboard products consisting of corrugated paperboard (combined board) as well as packaging and shipping containers. There are approximately 600 corrugating plants in the United States and over 825 corrugated board converting plants, manufacturing corrugated paperboard containers, partitions, sleeves, display stands and other types of corrugated articles. The FBA is made up of large and small operators with a wide spectrum of ownership and entrepreneurial activities, representing over 90% of the corrugated production in the United States.

The FBA welcomes this opportunity to comment on the FTC Green Guides. We commend the FTC for the timely review of the Guides in order to determine how best to address new environmental (and sustainability) claims that have been emerging in the last few years. We believe that the present rules in the Guides have served business and the consumer well. Thus, this opportunity should not be used to revisit already sound, approved and time-tested interpretations that

are already an integral part of the environmental marketing lexicon. We believe that the conventional, practical substantiation demanded on claims would go a long way in resolving the emerging issues.

We take this opportunity to endorse both the American Forest & Paper Association's (AF&PA) comments and Georgia-Pacific's comments that have been submitted separately. We believe that guidance is required to better define the use of terms such as "sustainable", "renewable" in environmental claims. We would like to emphasize our perspective regarding the following items:

A. General Issues

(3) What modifications if any, should be made to the Guides to increase their benefits to consumers?

FBA believes that it is appropriate to revise the Guides to eliminate the artificial distinction between pre- and post-consumer recycled paper and corrugated. The language in the federal law that makes the distinction is only applicable to federal procurement and was added to the Resource Conservation and Recovery Act as a means to spur use of recovered fibers. This distinction is no longer appropriate in that the overwhelming majority of fibers being recovered and recycled in the US are so-called "post-consumer." In 2006, the recovery rate for pre- and post-consumer corrugated in the United States was 76.6%. Such distinction only adds complications to providing transparency behind the statistics and is not meaningful to the consumer. And, because paper companies are using as much recycled fibers as they can obtain, there is no need to spur on additional use of recycled corrugated.

Instead, we recommend the Guides adopt the recycle content definition used by ISO 14021, section 7.8.1.1, which includes both pre- and post-consumer material as recycle content.

(18) Are there international laws, regulations, or standards with respect to environmental marketing claims that the Commission should consider as it reviews the Guides, such as the International Organization for Standardization ("ISO") 14021, Environmental Labels and Declarations--Self- Declared Environmental Claims? If so, what are they? Should the Guides be modified in order to harmonize with these international laws, regulations, or standards? If so, why, and how? If not, why not?

We encourage the FTC to incorporate the relevant ISO standards into the Green Guides. Eco-label standards of the ISO 14020 series provide relevant guidance which generally covers FTC's Green Guides. The incorporation of the relevant ISO standards into the Guides will facilitate international trade and provides a common means of communicating environmental attributes.

B. Specific Issues

(2) Should the Guides be revised to include guidance regarding “sustainable” claims?

If so, why, and what guidance should be provided? If not, why not?

(a) What evidence supports making your proposed revision(s)?

(b) What evidence is available concerning consumer understanding of the term “sustainable”?

(c) What evidence constitutes a reasonable basis to support a “sustainable” claim?

The issue of sustainability is very complex because it involves elements other than environmental issues. There is no clear understanding of the term or of the subtleties involved, even among experts and business managers which view the process of moving forward on sustainable practices in different ways. The primary concern is that these terms are vague and could be misused without clear definition and a transparent verification scheme.

FBA believes that the FTC should allow the use of the claim of “sustainability” where there is a clear basis for making such a claim. There are several programs that currently use the term “sustainable” and are consistent with FTC guides when used on products, including the Sustainable Forestry Initiative®. However, just as is required for other claims, the claimant must be transparent to the consumer what basis is being used to make such a claim. FTC needs to clarify how that substantiation can be made:

We recommend that the FTC concentrate on clarifying how claimants should substantiate their claims. For example, the FTC could require that claimants spell out the standard, program, or criteria on which the claimant is basing its claim, either in the claim itself or on a website referenced in the claim. The FTC should require that this explanation contain the parameters, definitions, and other relevant information applicable to the claim. The FTC should not require third party verification of claims, as long as this substantiation is provided. This is a consistent approach with earlier guidance the agency has provided regarding environmental marketing claims.

The use of sustainability indexes or ranking for products appears to be very unscientific and arbitrary at this moment, even more so when they may be used to compare differences between products for purchasing purposes. This is a ruling the FTC should consider making on this issue.

We recognize the recommendation in the above is not the final answer. Costs to the final consumer should be kept in mind when considering new rules providing questionable value-added to the consumer.

(3) Should the Guides be revised to include guidance regarding ``renewable" claims? If so, why, and what guidance should be provided? If not, why not?

(a) What evidence supports making your proposed revision(s)?

(b) What evidence is available concerning consumer understanding of the term ``renewable"?

(c) What evidence constitutes a reasonable basis to support a ``renewable" claim?

The matter of “renewable” has been served well by the Guides for many years. There is a good understanding by the consumer about what is renewable. Abiotic resources are clearly understood as renewable as well as water and air. The FTC Guides should clarify by example that the characteristic of renewable must be ascribed to the material or fuel and not to the article itself, e.g. packaging. Thus, it is not proper to ask if the packaging is renewable, but rather if the material composing it in a majority by weight is renewable. When addressing materials used in articles, abiotic materials are renewable. Then, ASTM D6866 may not need to be used as the substantiation that the material is bio-based.

However, FBA believes that it would be useful for the FTC to revise the Guides to include guidance regarding the use of “renewable”. The corrugated industry holds strongly that its primary raw material (containerboard) and its precursor (trees) are renewable and wants to be able to use that term in describing the environmental benefits of corrugated products. “Renewable” means that a material has the capability of being regenerated either through natural processes or with human assistance, for example through tree nurseries and replanting.

We hope these comments will be of help to the FTC in its timely review of the Guides. We appreciate the opportunity to comment at the very beginning of this process. Please do not hesitate to contact me for any further clarification or information.

Respectfully submitted,

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Fibre Box Association